

FILED
ROCK ISLAND, IL
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION 2003 SEP 30 A 11:14

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

FIRST STUDENT, INC.,

Defendant.

FILED
SOUTHERN DISTRICT OF IOWA
3:03 CV 80105

Civil Action No. _____

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a to correct unlawful employment practices on the basis of harassment and retaliation, and to provide appropriate relief to Lori Clark, Adil Adams Daoud, and other similarly situated, who have been adversely affected by such practices.

As alleged with greater particularity below, the Equal Employment Opportunity Commission alleges that the defendant, First Student, Inc., violated Title VII by sexually harassing and retaliating against Lori Clark, and harassing Adil Adams Daoud based upon his national origin. The EEOC seeks relief for Clark, Daoud, and others similarly situated.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Iowa.

PARTIES

3. The plaintiff, Equal Employment Opportunity Commission (hereinafter “Commission”), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times, upon information and belief, the defendant, First Student, Inc., has been continuously engaged in the business of providing contract school bus services in the state of Iowa, and has continuously had at least fifteen (15) employees.

5. At all relevant times, First Student, Inc., has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than 30 days prior to the institution of this lawsuit, Clark and Daoud filed Charges of Discrimination with the Commission alleging unlawful actions in violation of Title VII by First Student, Inc. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. First Student, Inc., has engaged in unlawful employment practices in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and 3(a). These practices include, but are not limited to:

(a) Creating a hostile work environment for Clark and others similarly situated based upon their sex, female;

(b) Discharging Clark in retaliation for her opposition to practices made unlawful by Title VII; and

(c) Creating a hostile work environment for Daoud and others similarly situated based upon their race and national origin.

8. The effect of the practices complained of in paragraph seven (7) above has been to deprive Clark, Daoud, and others similarly situated of equal employment opportunities in violation of Section 703(a) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and 3(a).

9. The unlawful employment practices complained of in paragraph seven (7) above were and are intentional.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining First Student, Inc., and its officers, successors, and assigns, and all persons in active concert or participation with them, from engaging in any employment practices which discriminate on the basis of sex, race, and/or national origin or which constitute retaliation for activity protected by Title VII;

B. Order First Student, Inc., to institute and carry out policies, practices, and programs which eradicate the effects of its past and present unlawful employment practices;

C. Order First Student, Inc., to make Clark, Daoud, and others similarly situated whole by providing appropriate backpay with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, re-instatement of Clark, Daoud, and others similarly situated;

D. Order First Student, Inc., to make Clark, Daoud, and others similarly situated

whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices, including, but not limited to, job search expenses and medical expenses;

E. Order First Student, Inc., to make Clark, Daoud, and others similarly situated whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices, including injury to professional reputation, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation;

F. Grant such further relief as the Court deems necessary and proper in the public interest; and

G. Grant the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.


ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
1801 "L" Street, N.W.
Washington, D.C. 20507

Dated: September 29, 2003



Jean P. Kamp
Regional Attorney

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION


Milwaukee District Office
310 West Wisconsin Avenue - Suite 800
Milwaukee, WI 53203-2292
(414) 297-1860

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	Civil Action No.
v.)	
)	
FIRST STUDENT, INC.)	CERTIFICATE OF SERVICE
)	
Defendant.)	
<hr/>		

I, Marie Chartier, hereby certify that on September 29, 2003, I caused a copy of EEOC's Complaint and Consent Decree and Order and this Certificate to be served via first class mail postage prepaid upon the following attorneys:

Thomas A. Secrest, Esq.
Associate General Counsel
Director of Labor Relations
First Student, Inc.
705 Central Avenue, Suite 300
Cincinnati, Ohio 45202


Marie Chartier
Paralegal